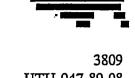


United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Dixie Resource Area Office 225 North Bluff Street St. George, Utah 84770 Comm (801)673-4654 FTS 327-0200



5/053/035

Kiehal 9-25-91

3809 UTU-047-89-08 (UT-047)

September 25, 1991

CERTIFIED MAIL # 155 994 586 - RETURN RECEIPT REQUESTED

DECISION

David L. Penney

Box 312

•

Notice of Noncompliance

Beaver, Utah 84213

Failure to complete reclamation of mining disturbance in T. 41 S., R. 13 W., sec. 15, SLBM is noncompliance with 43 Code of Federal Regulations 3809.1-3 and 3809.3-2.

The site was inspected on August 7, 1991 and it was evident no substantial work had occurred in the pits and trenches for at least one year. Federal mining regulations require reclamation at the earliest feasible time. A letter was sent to you on August 8, 1991 requesting a reclamation plan. To date, you have failed to respond to that letter.

The Notice of Intent you filed in 1989 (UTU-66860/UT-047-89-08N) stated reclamation would be completed to the standards in 43 CFR 3809.103(d). These standards require:

- 1. Remove all rubbish from the site to an authorized landfill.
- 2. Backfill the pits and trenches, and reshape the area to an natural appearance.
- 3. Seed all areas on which the vegetation was disturbed. Drill seeding is the preferred method, but broadcast seeding may be done if the seed is covered to a depth of 2 inches afterwards.

The seed mixture will consist of:

Seed ·	. <u>lbs/acre pure live seed</u>		
		<u>drill</u>	broadcast
Indian Ricegrass		4	8
Eaton Penstemon	•	1	2
Yellow Sweetclover	• ,	3	6
Sand Dropseed		2.5 10.5	<u>5</u> 21

Fall seeding generally gives good results for this area. The reclamation will not be acceptable until at least 30 percent ground cover occurs.

This reclamation must be completed by October 31, 1991. Please notify Larry Gore, the Dixie Resource Area geologist, when the reshaping work is complete so an inspection can be made. The seeding will be checked in the spring, to determine its acceptability.

Failure to complete the work by October 31, 1991 will result in a record of noncompliance. BLM policy states that an operator who has established a record of noncompliance must file plans of operation for any work on BLM land (regardless of area) and must be bonded for the entire projected cost of reclamation. A record of noncompliance will exist for 12 months after the noncompliance is corrected. It is therefore to your advantage to complete this reclamation in a timely manner and avoid establishing a record of noncompliance.

You have the right to appeal this decision to the Utah State Director, Bureau of Land Management, in accordance with 43 CFR 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present, which would justify reversal or modification of the decision, must be filed in writing at this office within 30 days after the date of this decision. This decision will remain in effect during appeal unless a written request for a stay is granted.

If you need further information concerning this notice or reclamation plan, please contact Larry Gore, at the Dixie Resource Area office.

Sincerely,

Gordon Staker District Manager

A STATE OF THE STA	
SENDER: Complete items 1 and 2 when addition	al services are desired sand as
Put your address in the RETURN TO Space on the rever from being returned to you. The return receipt fee will provi	Se side Falling
from being returned to you. The return receipt fee will prove the date of delivery for additional fees the following service and check box(es) for additional service(s) requested and check box(es) for additional service(s) requested and the service of the servi	de you the name of the person delivered to and
and check box(es)-for additional service(s) requested and the Show to whom delivered date and addressee's (Euro charge)	ces are available Consult postmaster for fees
(Extra charge)	address 2 2 Restricted Delivery 10 50 (Extra charge)
3. Article Addressed to # 15 cm 15 c	4. Article Number
	P-155-994-586
David I. Penney	Y Llype of Service
Box 312	Registered Insured
Beaver Uran 847 person	Certified COD
	Always obtain signature of addressee
5 (000)	Or agent and DATE DELIVERED
Ignature Addresse 122	8 Addressee's Address (ONLY)
6. Signature Agent	requested and fee paid)
X = -/	
7. Date of Delivery	
CCT=3-1991	2
Form 3811 Apr. 1989	The same of the sa
	DOMESTIC RETURN RECEIPT